

RA BRIEF
FLORIDA ASSUMPTION OF STATE 404 PROGRAM

Date Updated: 1/8/2021 **Date Original Prepared:** 8/8/2018 **Priority:** 3

EPA Goal Supported: Cooperative Federalism, Rule of Law and Process

Issue: 404 Assumption by the State of Florida

Location: State of Florida

Context:

1. Involved Parties: EPA, Corps, USFWS, NMFS, FDEP, ACHP, Tribes, SHPO.
2. Interested parties: Florida Governor, the White House, other states, media, and various stakeholders (mining, developers, Tribes, environmental NGOs).
3. On 12/17/2020, EPA approved Florida's request to assume administration of a CWA section 404 program.

Critical Messages:

1. Florida's Section 404 program became effective 12/22/20, upon publication of EPA's approval in the Federal Register.
2. EPA's oversight of Florida's program includes, among other things, the review of draft permits for certain categories of permits as set forth by the EPA-FDEP MOA. EPA's review of permits will be also be conducted consistent with a Programmatic Agreement established with the consulting parties under the NHPA. EPA's reviews will be conducted in coordination with the Corps, the USFWS, the National Marine Fisheries Service, and any affected Tribes.

Considerations:

1. EPA held a 3rd meeting with all the NHPA consulting parties on January 7, following meetings on Dec 21 and 29, pursuant to the provisions of the NHPA Programmatic Agreement.
2. EPA will schedule an additional meeting with the NHPA consulting parties late during the week of January 11.
3. Based on a request from the Miccosukee Tribe, the EPA is meeting with the Tribe and the Corps on January 11 regarding 404 assumption in Florida.